

# To the Honorable Council City of Norfolk, Virginia

January 14, 2014

From:

George M. Homewood, AICP, CFM

**Acting Planning Director** 

Subject: Special Exception requests – Dante Calcagni:

- a. Automobile Storage Yard at 3465 East Virginia Beach Boulevard
- b. Automobile and Truck Repair facility at 3442 Mangrove Avenue

Reviewed: Ronald H. Williams, Jr., Assistant City

Ward/Superward: 4/7

Approved:

Marcus D. Jokes, City Manager

Item Number:

R-3

Manager

- Recommendation: Approval for both requests, subject to the attached conditions that are ١. necessary to ensure compliance with Zoning Ordinance requirements.
- 11. Applicant:

Dante Calcagni

3465 East Virginia Beach Boulevard and 3442 Mangrove Avenue

#### 111. Description

The request is to allow an Automobile Storage Yard and an Automobile and Truck Repair facility on the requested properties.

#### IV. **Analysis**

 The site consists of two parcels that extend from East Virginia Beach Boulevard to Mangrove Avenue in an area that is generally developed with industrial uses within the Ingleside neighborhood.

#### Plan Analysis

• The proposed Special Exceptions are consistent plaNorfolk2030, which designates this site as Industrial.

#### Zoning Analysis

• The entire site is zoned I-2 (Light Industrial) district which permits the uses by Special Exception.

### <u>Automobile Storage Yard – 3465 East Virginia Beach Boulevard</u>

- The Automobile Storage Yard is proposed to be located on the lot abutting East Virginia Beach Boulevard.
  - o The site has limited residential exposure near the southeast corner of the site.
    - This corner will be screened with a concentration of Leyland Cypress trees in order to provide an additional buffer.

#### <u>Automobile and Truck Repair – 3442 Mangrove Avenue</u>

- The Automobile and Truck Repair operation is proposed to be located on the lot abutting Mangrove Avenue.
  - The site has residential exposure immediately to the east.
    - A ten-foot landscape buffer currently exists between the adjacent residential and the site.
  - An eight-foot tall solid fence is proposed to be installed along the eastern property line in order to provide additional screening from the adjacent residential.
  - Along Mangrove Avenue, a new eight-foot tall chain link fence will be installed to match the existing fence with a new ten-foot landscape buffer.

	Proposed
Hours of Operation (Automobile Storage Yard)	24-hours a day seven days a week
Hours of Operation (Automobile and Truck Repair)	8:00 a.m. until 6:00 p.m., seven days a week

• The attached conditions bring the site more into compliance with *Zoning Ordinance* and *plaNorfolk2030* requirements.

#### Traffic Analysis

 Institute of Transportation Engineers figures estimate that the use of the property for Automobile and Truck Repair will generate an additional 44 vehicle trips per day.

#### V. Financial Impact

The applicant is current on all real estate taxes.

### VI. <u>Environmental</u>

- The property is located within the industrial portion of the Ingleside neighborhood, which is composed of a mix of industrial, office and residential uses.
  - There are existing industrial uses adjacent to the south and west of the site.
  - The buffering proposed will disrupt direct views from the adjacent apartments to the east.
- In order to ensure compliance with all environmental and stormwater requirements, a site plan must be submitted and approved in accordance with the City's Site Plan Review process prior to the issuance of a business license for an Automobile Storage Yard.

#### VII. Community Outreach/Notification

- Legal notice was posted on the property on September 17.
- Letter was sent to the Ingleside Civic League on October 2.
- Letters were mailed to all property owners within 300 feet of the property on October 9.
- Notice was sent to the civic leagues by the Department of Communications on October 9.
- Legal notification was placed in *The Virginian-Pilot* on October 10 and 17.
- The Planning Commission Public Hearing was held on December 19, 2013.
- Public notification was conducted through the City of Norfolk's agenda notification process.

### VIII. Board/Commission Action

By a vote of **7 to 0**, the Planning Commission recommended that the requests for Special Exceptions be **approved**, subject to the conditions outlined in the attached ordinances.

#### IX. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

### Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinances
- Location Map
- Zoning Map
- Application Automobile Storage Yard
- · Application Automobile and Truck Repair
- Survey
- Landscape Plan
- · Letter to the Civic League

# **Proponents and Opponents**

# **Proponents**

Marian Calcagni – Applicant 5521 Elizabeth Avenue Norfolk, VA 23502

Robyn Thomas – Representative 913 W. 21<sup>st</sup> Street, Suite C Norfolk, VA 23507

# **Opponents**

None

12/10/13 tsv

Form and Correctness Approved:

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NORFOLK, VIRGINIA

# ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO OPERATE AN AUTOMOBILE STORAGE YARD ON PROPERTY LOCATED AT 3465 EAST VIRGINIA BEACH BOULEVARD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the operation of an Automobile Storage Yard on property located at 3465 East Virginia Beach Boulevard. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 200 feet, more or less, along the southern line of East Virginia Beach Boulevard, beginning 200 feet, more or less, from the western line of Scott Street and extending westwardly; premises numbered 3465 East Virginia Beach Boulevard.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) A person responsible for staffing or providing security for the automobile storage yard shall be present on the property 24-hours per day, seven days a week.
- (b) No vehicle shall be stored on the property for more than 90 days.
- (c) No more than 150 vehicles shall be stored on the property at any time.
- (d) Landscaping shall be provided in accordance with the site plan attached hereto and marked as "Exhibit A", including a six (6) foot wide landscaped buffer with an eight (8) foot tall fence situated along all portions of the northern

- property line. The landscaping shall be maintained at all times.
- (e) No razor wire shall be permitted on the site.
- (f) The use authorized by this special exception shall not commence until the property has been developed and improved in accordance with an approved site plan designed in accordance with the requirements of Chapter 26 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Site Plan Review".
- (g) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without an insurance claim or other legal contractual obligation. All such wrecked or inoperative vehicles shall be removed upon the completion of contract obligations or, if abandoned, upon a new title being obtained.
- (h) No freight containers or shipping containers shall be permitted on the site.
- (i) No automobile shall be parked or stored on any unimproved surface.
- (j) No vehicular access shall be permitted to or from the property located to the south at 3442 Mangrove Avenue. One, gated access not more than six (6) feet in width and intended for pedestrian access shall be permitted.
- (k) The property shall be kept in a clean and sanitary condition at all times.
- (1) No automobile associated with this facility shall be parked in any public right-of-way.
- (m) No business license shall be issued for any business on the property until conditions (d), (e), and (f), above, have been complied with in their entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of

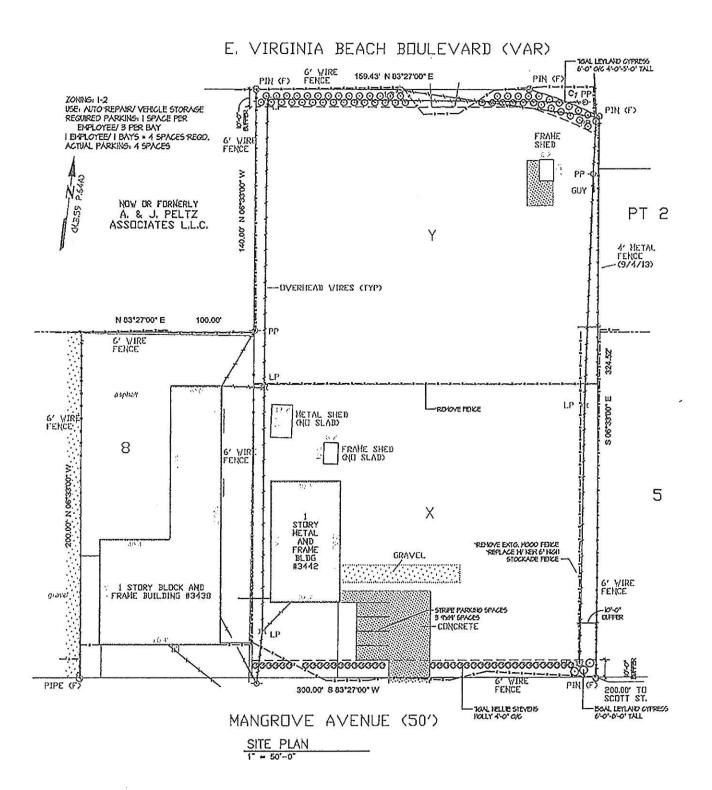
## Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (1 page)



12/10/13 tsv

Form and Correctness Approved:

Office of the City Attorney

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Contents Approved:

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NORFOLK, VIRGINIA

# **ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF AN AUTOMOBILE AND TRUCK REPAIR FACILITY ON PROPERTY LOCATED AT 3442 MANGROVE AVENUE.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of an Automobile and Truck Repair facility on property located at 3442 Mangrove Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 200 feet, more or less, along the northern line of Mangrove Avenue, beginning 200 feet, more or less, from the western line of Scott Street and extending westwardly; premises numbered 3442 Mangrove Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the facility shall be from 8:00 a.m. until 6:00 p.m., seven days per week. No use of the facility outside of the hours of operation listed herein shall be permitted.
- (b) Landscaping shall be provided in accordance with the site plan attached hereto and marked as "Exhibit A", showing a six foot wide landscaped buffer along the southern property line and a ten foot wide landscaped buffer along the eastern property line. The landscaping shall be maintained at all times.
- (c) The existing fence along Mangrove Avenue, beginning at the gate and extending eastwardly to the corner of the property, shall be removed and

- replaced with a new chain link fence, eight (8) feet in height, to match the existing fence located along Mangrove Avenue west of the gate.
- (d) The existing wooden fence along the eastern property line shall be removed and replaced with a new, solid fence eight (8) feet in height.
- (e) No razor wire shall be permitted on the site.
- (f) The parking lot shall be improved and striped in accordance with site plan attached hereto and marked as "Exhibit A".
- (g) The existing, gravel drive aisle extending from the building's garage door shall be paved and extended to contiguously align with the existing concrete paving.
- (h) No vehicles being repaired at this facility shall be test driven in or through the neighborhood located to the south and east of this property.
- (i) There shall be no storage of wrecked or inoperative vehicles in the building or on the property without a work order or an insurance claim form.
- (j) No tires of other vehicle parts shall be stored outside.
- (k) All repair work shall be done inside the building. No repair work may take place outside.
- (1) The property shall be kept in a clean and sanitary condition at all times.
- (m) No automobile on the site which has been or is waiting to be serviced shall be parked or stored in any public right-of-way.
- (n) The facility shall maintain a current, active business license at all times while in operation.
- (o) No business license shall be issued for any business on the property until conditions (b),(c), (d), (e), (f) and (g), above, have been

complied with in their entirety.

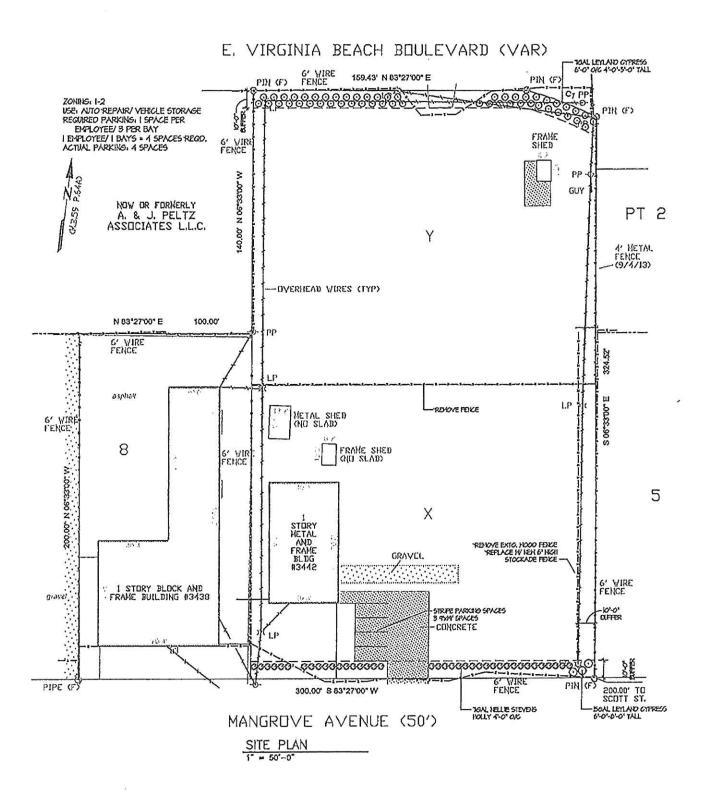
Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

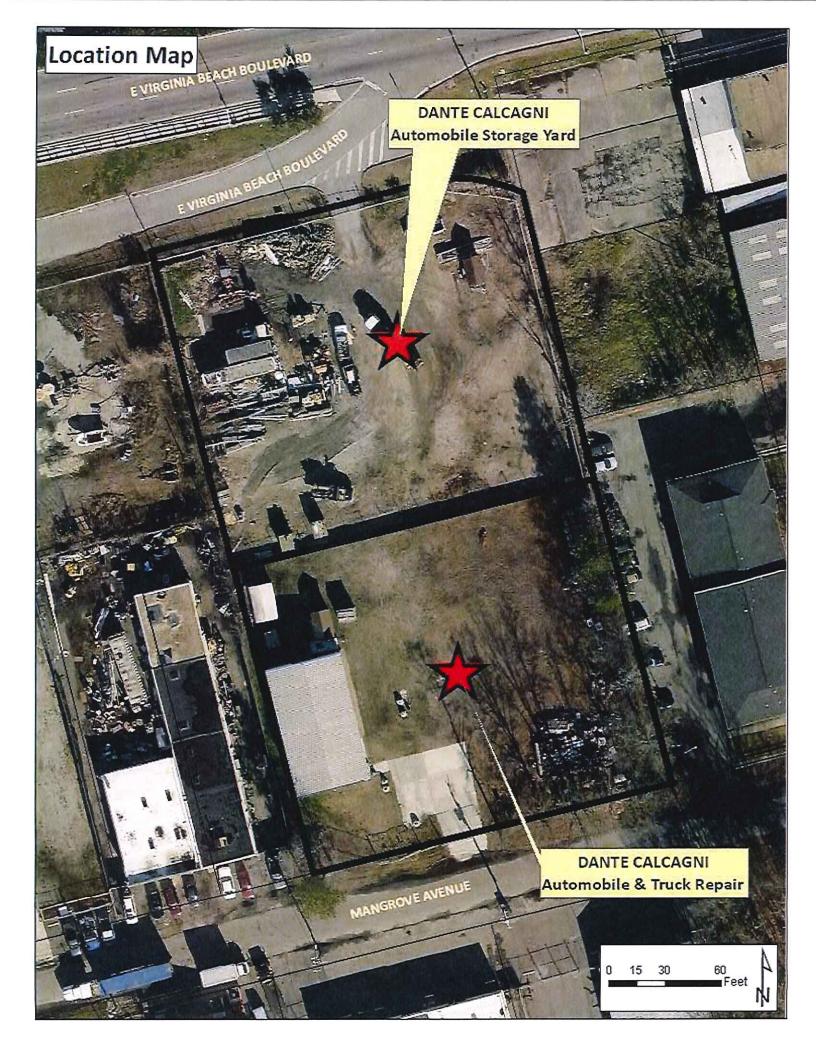
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;

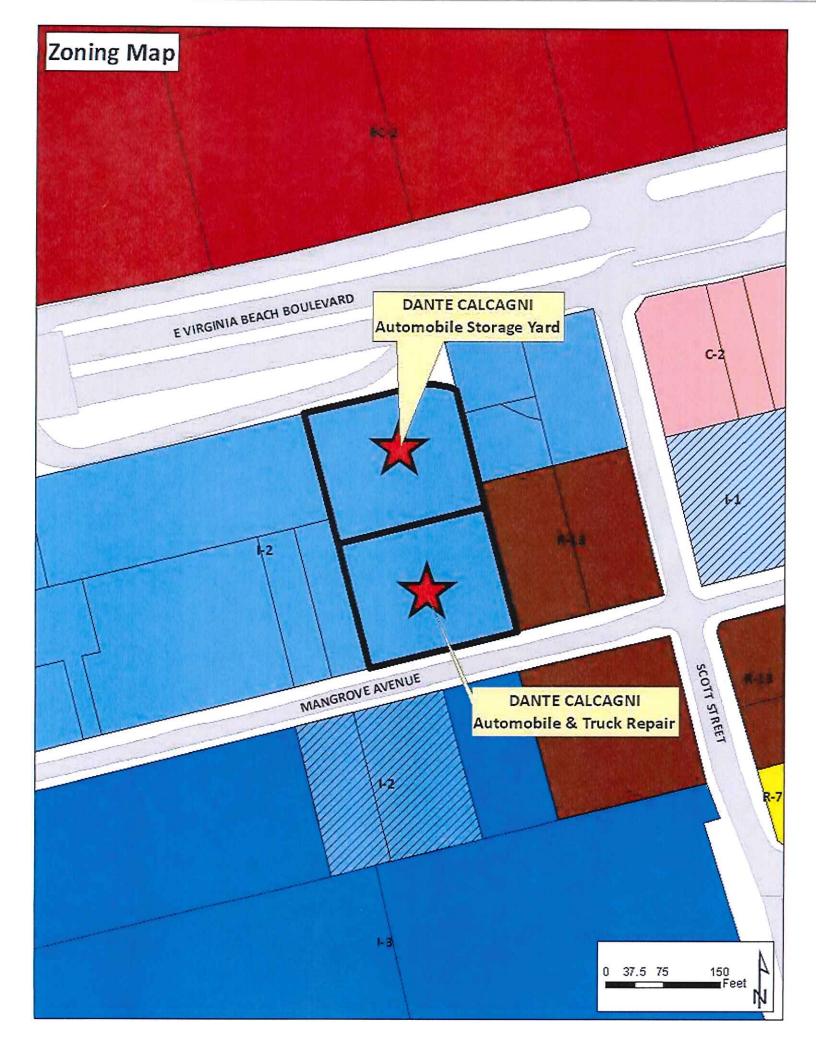
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (1 page)









Special Exception for: Automobile Storage Yard
Date of application: $8/9/13$
DESCRIPTION OF PROPERTY  3465 E. Vilginia Beach Blvd.  Property location: (Street Number)  (Street Name)
Existing Use of Property Metal Recycling  Current Building Square Footage 7800 + 9000 4 3436 + 9000 4 3438 Mangrow Ave
Proposed Use
Proposed Square Footage
Proposed Hours of Operation:
Weekday From To
Friday From To
Saturday From To
Sunday From To
Trade Name of Business (If applicable)

# **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

Application Special Exception Page 2

APPLICANT/ PROPERTY OWNER
1. Name of applicant: (Last) Calcagni (First) DANTE (MI) NONE  Mailing address of applicant (Street/P.O. Box): 3438 MANGROVE AV.
Mailing address of applicant (Street/P.O. Box): 3438 MANGROVE AV.
(City) Norfolk (State) NA (Zip Code) 23502
Daytime telephone number of applicant (5) 853 7845 Fax number (5) 4558222
Daytime telephone number of applicant 757 8537845 Fax number 757 4558222
2. Name of property owner: (Last) Sime (First) (MI)
Mailing address of property owner (Street/P.O. box):
(City) (State) (Zip Code)
Daytime telephone number of owner ( ) Fax number ( )
CIVIC LEAGUE INFORMATION
Civic League contact: Ingleside - Shirley Smith
Date(s) contacted:
Ward/Super Ward information:
REQUIRED ATTACHMENTS:  ✓ Required application fee, \$355.00 (if check, make payable to Norfolk City Treasurer).  o Application fee includes a non-refundable \$5 technology surcharge.  ✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:  o Existing and proposed building structures  o Driveways  o Parking,  o Landscaping  o Property lines (*see attached example).

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

Application

Page 3

**Special Exception** 



Special Exception for: Automobile and Truck Repair
Date of application: $8/8/13$
MAILEN EROLLER CERCE CERCE
DESCRIPTION OF PROPERTY  Property location: (Street Number)  (Street Name)
(effect Name)
Existing Use of Property Metal Recycling  Current Building Square Footage 2800 + 9000 3436 + 3438 Mangrove Ave
Current Building Square Footage 2800 + 9000 3436 + 3438 Mangrove Ave
Proposed Use
Proposed Square Footage
Proposed Hours of Operation:
Weekday From Sam To bpm
Friday From 11 To 11
Saturday From 1/2 To 1/2
Sunday From 11 To 11
Trade Name of Business (If applicable)

# **DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

Application Special Exception Page 2

# **APPLICANT/ PROPERTY OWNER**

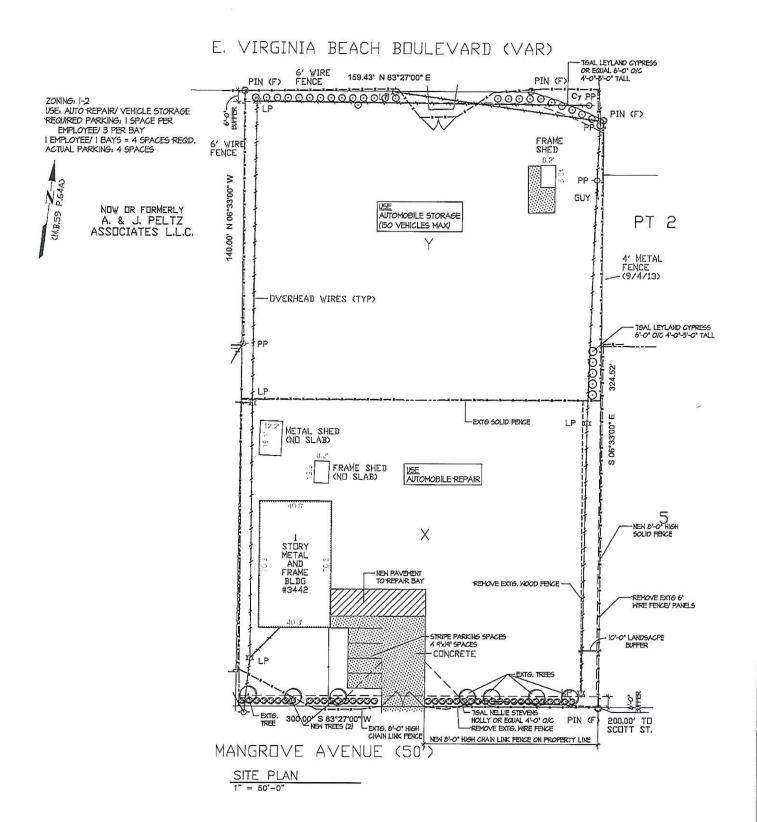
1. Name of applicant: (Last) <u>Calcagni</u> (First) <u>Dente</u> (MI)
Mailing address of applicant (Street/P.O. Box): 3438 Mangrove Ave
(City) Nov folk (State) VA (Zip Code) 2350\$2
Daytime telephone number of applicant (757) 853 - 7845 Fax number (757) 455 - 8222
E-mail address of applicant: Cell: 757 339 - ZZO1
2. Name of property owner: (Last)(First)(MI)
Mailing address of property owner (Street/P.O. box):
(City) (State) (Zip Code)
Daytime telephone number of owner ( ) Fax number ( )
CIVIC LEAGUE INFORMATION
Civic League contact: Ingleside - Shirley Smith
Date(s) contacted:
Ward/Super Ward information:
REQUIRED ATTACHMENTS:
✓ Required application fee, \$355.00 (if check, make payable to Norfolk City Treasurer).
Application fee includes a non-refundable \$5 technology surcharge.
<ul> <li>✓ Two 8½ x 14 inch copies of a survey or site plan drawn to scale showing:</li> <li>○ Existing and proposed building structures</li> </ul>
Driveways
o Parking,
o Landscaping
<ul> <li>Property lines (*see attached example).</li> </ul>

### DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

**Application** 

Page 3

**Special Exception** 



HOTES:

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3. SURVEYED THE PROPERTY SHOWN ON THIS PLAT. THE ONLY EASEBHITS
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3. THIS PROPERTY APPELS TO FLAT. UN FLOOD THE SEPTEMBER 2, 2006.
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6521 ELIZABETH AVENUE
NORFOLK, VIRGINIA 23502 AND ADMITTED TO RECORD IN MAP BOOK APPROVED: DEPARTMENT OF UTILITIES, NORFOLK, VA. APPROVED: DEPARTIMENT OF PUBLIC WORKS, NORFOLK, VA THE UNDERSIGNED CERTIFY THAT THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, CORPORAIS TO THE APPLICABLE REGULATIONS RELATING TO THE SUBDIVISION OF LAND, AND IS ACCORDINGLY APPROVIDE, BY SUCH APPROVIDE, THE SUBDIVISION OF LAND, AND IS ACCORDINGLY APPROVIDE. BY SUCH APPROVING, THE BOUNDARY, STREETS OR OTHER MORE CHANNAL WITH THE CORRECTINESS OF THE BOUNDARY, STREETS OR OTHER MORE CHANNAL WITHOUGH AND APPLICABLE OF THE BOUNDARY, STREETS OR OTHER MORE CHANNAL WITHOUGH AND APPLICABLE OF THE BOUNDARY. THE PROPERTY EURICASED WITHIN THE LIMITS OF THIS SUBON/SION WAS CONNEYED TO DANTE CALCAGNIA MAZIANIC, CALCAGNI FROM JOSH D. LOREY BY DEED DATED FEBRUARY 28, 2013 AND RECORDED IN INSTRUMENT MAUBER 190000697 IN THE CALEGOS OF THE CIRCUIT COURT OF THE CITY OF MORFOLK, VIRGINIA. THE PROPERTY ELBRACED WITHIN THE LIMITS OF THIS SUBDIVISION WAS CONVEYED TO DAVITE CALCACIN FROM JOSH D. LONEY BY DEED DATED MAY 29, 2017 AND RECORDED IN HISTIRULIST HUMBER OYDCIDOS BY THE CLERK'S OFFICE OF THE CRYOLIT COURT OF THE CITY OF NORFOLK, VIRGINIA. COMMONWEALTH OF VIRGINIA CITY OF NORFOLK, TO WIT: THE PAITING OF DEDICATION OF THE FOLLOWING DESCRIBED LAND LOTES A P.
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A. & J. PELTZ
ASSOCIATES L.L.C. TUCKER PLACE SECTION 4 (SEE NOTE 1) Lic. No. 002189 9-6-13 CURVE PIN(F) PIN (F) 10.4 340.00° N 13°56'39" W 198.00' 43.51' E. VIRGINIA BEACH BOULEVARD (VAR) N 3478123.88 E 12143082.28 DKT Associates SHED STORY METAL AND FRAME BLDG #3442 217 E. LITTLE CREEK RO. SUITE B NORFOLK, VIRGINA 23505 (757) 568-5689 FAX: (757) 568-5689 SHED MANGROVE AVENUE (50') 159.43' N 76'03'21" E PROPERTY LINE HEREBY VACATED BY THIS PLAT CHORD LENGTH CHORD BEARING DELTA ANGLE
43.42 S 63'(333' E 12'43'09" 200.00' S 76'03'21" W 97,721 SF 1,5547 AC LOTX LOTY LOTS X & Y, SUBDIVISION OF LOTS 6 & 7, BLOCK 1, TUCKER PLACE, SECTION 4 AND PART OF LOT 3, BLOCK 1, TUCKER PLACE, SECTION 1 AND 143' x 100' PARCEL ADJOINING LOT 3, BLOCK 1, TUCKER PLACE, SECTION 1 ON THE WEST, BEING PART OF THE LAND DESCRIBED AS PARCEL II IN D.B.2671, AT PAGE 282 MB.59 P.64A FRAME S PIN (S) HORFOLK, VIRGINIA SUBDIVISION OF N 3477842.08 E 12143358.29 PN(F) 324.52° S 13°56'39" E 200.00 TO SCOTT ST. PART OF LOT 2
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TUCKER PLACE
SECTION 1 TUCKER PLACE SECTION 4 O STEEL PAYSET O STEEL PIN FOUND LEGEND: VICANITY MAP E VA BEACH BLYD GRAPHIC SCALE BTAD CHECK SHEET SCALE DATE DRAWN FIELD BOOK SCALE: 1"= 2500" SITE 1"= 30 유

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October 2, 2013

Shirley Smith President, Ingleside Civic League P.O. Box 1038 Norfolk, VA 23501

Dear Ms. Smith,

The Planning Department has received applications for Special Exceptions to operate an Automobile and Truck Repair facility and an Automobile Storage Yard on property located at 3465 E. Virginia Beach Boulevard and 3436-3442 Mangrove Avenue. The request has been tentatively scheduled for the October 24, 2013, City Planning Commission public hearing.

#### Summary

The request would allow Dante Calcagni to operate an automobile repair shop and tow lot on his industrial property.

	Proposed
Hours of Operation	8:00 a.m. until 6:00 p.m.,
(Automobile and Truck Repair)	Seven days a week
Hours of Operation	24-Hours a day
(Automobile Storage Yard)	Seven days a week

If you would like additional information on the request, you may contact the applicant at (757) 853-7845 or you may telephone Matt Simons on my staff at (757) 664-4750. A copy of the complete application is enclosed.

Sincerely,

Planning Director

cc: Oneiceia Howard, Neighborhood Development Specialist